

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MATTHEW M. NORTON,
Plaintiff

V.

TRELLIS COMPANY,
Defendant

CIVIL ACTION NO.: 4:18-cv-1354

DEFENDANT TRELLIS COMPANY'S
RULE 12 MOTION FOR MORE DEFINITE STATEMENT

TO THE HONORABLE JUDGE OF THIS COURT:

COME NOW, TRELLIS COMPANY, Defendant in the above- entitled and numbered cause, and in answer to Plaintiff's Amended Complaint would respectfully show unto the court as follows:

A. INTRODUCTION

1. Defendant properly and timely removed this case to federal court on April 30, 2018;
2. Defendant then filed a Motion to Dismiss the Complaint;
3. Plaintiff, rather than answering the motion, chose to amend by filing his First Amended Complaint on July 20, 2018;
4. While Plaintiff did add some factual allegations to the Amended Complaint, the new Complaint is virtually identical to the petition filed in state court and makes claims of violation of various federal statutes and Amendments to the US Constitution with very little factual support; and

5. Further, the pleading is so vague and ambiguous that defendant cannot file a proper response; therefore, the Court should require Plaintiff to amend his complaint with a more definite statement of his suit.

B. ARGUMENT

6. A Motion for more Definite Statement is proper when a complaint is so vague and ambiguous that the defendant cannot reasonably prepare a response. Fed. R. Civ. P. 12e. *Davis vs. Coca-Cola Bottling Co. Consol.*, 516 F.3d 955, 983-84 (11th Cir. 2008). Plaintiff's Complaint alleges violations of various federal statutes and the United States Constitution without providing factual bases to support those allegations.
7. For instance, Plaintiff merely states that 42 U.S.C. §1983, 18 U.S.C. §241 and §242 and 18 U.S.C. §§1341 and 1343 have been violated without stating the pertinent portions of the statute that have been violated or his factual support. Plaintiff repeats this pattern by alleging violation of his 5th, 7th and 14th Amendments without factual support.
8. Finally, Plaintiff makes nonsensical arguments such as violation against the prohibition against Bills of Attainder without support.
9. As Plaintiff has not pleaded enough facts to allow defend to file a responsive pleading, the Court should require Plaintiff to amend his complaint with a more definite statement of the suit.
10. Alternatively, this Court should grant a dismissal under Rule 12(b)6 for Plaintiff's failure to state a claim.

WHEREFORE, PREMISES CONSIDERED, Defendant, TRELLIS COMPANY, prays that Plaintiff take nothing by reason of this suit, that Defendant be discharged and go hence without costs, without delay, and for all such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

MAURICE WUTSCHER LLP

//s// Keith Wier

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**ATTORNEY FOR DEFENDANT
TRELLIS COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been forwarded to all parties or counsel of record via electronic mail and regular mail on this 3rd day of August, 2018, as follows:

MATHEW M. NORTON
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Sugar Land, TX 77498
Mnorton1287@gmail.com

//s// Keith Wier
Keith Wier